

387.890 Court order modifying existing trust -- Jurisdiction and venue.

The court may enter an order modifying an existing trust, whether established by the court under this chapter, or whether the trust has been otherwise established, upon petition demonstrating to the court that there is just cause to modify the trust to preserve the trust purposes of protecting the trust assets for the benefit of the special needs person. Any such petition shall comport with KRS 387.870, 387.875, and 387.880. If the trust is administered or registered in a county other than where the special needs person resides when a petition is brought to modify a trust, jurisdiction and venue shall be determined in accordance with KRS 386B.2-030, except that no such order of modification shall limit, modify, or defeat the trustee's duty, where required under 42 U.S.C., sec. 1396p, to reimburse the state from the trust assets for benefits paid on behalf of the special needs person at the death of the special needs person, or the termination of the trust during the lifetime of the special needs person, as the case may be.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 25, sec. 110, effective July 15, 2014. -- Created 2012 Ky. Acts ch. 59, sec. 15, effective July 12, 2012.